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Prepared by: Mike Ritz

Approved by: Christy L. Kinard
Assistant County Attorney

RESOLUTION REQUESTING THE COUNTY MAYOR TO WORK WITH THE TOWN OF COLLIERVILLE TO MAKE THE COTTON CREEK SEWER SYSTEM A GRAVITY SYSTEM OR, IN THE ALTERNATIVE, TO TERMINATE THE COTTON CREEK SEWER PROJECT BY JOINT AGREEMENT WITH THE TOWN OF COLLIERVILLE AND TERMINATE THE SUPPORTING CONTRACTS WITH AFRAM AND SPRING CREEK RANCH, LLC; AND AUTHORIZING THE COUNTY MAYOR TO SIGN ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE SAME. SPONSORED BY COMMISSIONER MIKE RITZ.

WHEREAS, After several reports of failing septic tank systems in the Cotton Creek Area, the AFRAM Corporation (AFRAM) was commissioned to perform an independent engineering study of the Cotton Creek Area and to develop alternative solutions based on their findings; and

WHEREAS, The engineering study confirmed the existence of some septic system failures due to low soil permeability rates and saturated conditions; and

WHEREAS, The system recommended by AFRAM was a Low Pressure Sewer System for use in collecting the solid material in the septic tanks and conveying the liquid waste through the Spring Creek Ranch Development's collection system to the Town of Collierville's Publicly Owned Treatment Works; and,

WHEREAS, The Shelby County Board of Commissioners approved a resolution as Item No. 9 on October 23, 2006 authorizing the County Mayor to enter into a contract with AFRAM for the study and design of the existing Cotton Creek Area Sewer System, Phase 1 and Phase 2; and

WHEREAS, The Shelby County Board of Commissioners approved a resolution as Item No. 21 on September 22, 2008 authorizing the County Mayor to enter into a contract with Spring Creek Ranch, LLC, which is 49% owned by the Stanford Group, to allow the wastewater to be transported through the Spring Creek Ranch sewer system; and

WHEREAS, The Shelby County Board of Commissioners approved a resolution as Item No. 22 on September 22, 2008 authorizing the County Mayor to amend the aforementioned contract with AFRAM to dictate the sewer system design be a Low Pressure Sewer System; and

WHEREAS, The Shelby County Board of Commissioners approved a resolution as Item No. 23 on September 22, 2008 authorizing the County Mayor to enter into a contract with the Town of Collierville to treat the liquid waste; and

WHEREAS, All aforementioned contracts have been executed; and

WHEREAS, It has come to the attention of the Shelby County Board of Commissioners that the Cotton Creek Community is divided on the solution to the septic system issue, and not all residents currently have septic tank problems; and

WHEREAS, A conventional Gravity System appears to be preferable to a Low Pressure Sewer System over the long term.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That the County Mayor be and is hereby requested to work with the Town of Collierville to make the Cotton Creek Sewer System a Gravity System or, in the alternative, to terminate the Cotton Creek Sewer Project by joint agreement with the Town of Collierville and terminate the supporting contracts with AFRAM and Spring Creek Ranch, LLC.

BE IT FURTHER RESOLVED, That the County Mayor be and is hereby authorized to execute any and all documents necessary to effectuate the intent of this resolution.

BE IT FURTHER RESOLVED, That this resolution shall take effect immediately, the public welfare requiring the same.

A C Wharton, Jr.
Shelby County Mayor

Date: _____

ATTEST:

Clerk of County Commission

Adopted:_____